•• REMARKS/ARGUMENTS ••

The Official Action of October 5, 2005 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment independent claim 1 has been changed to more clearly recite the manner in which the upper and lower edges 5 and 6 of the shell segments 1 face and engage the upper and lower engaging sections 13 and 14 of the upper and lower connection components.

Support for these changes to the claims can be readily found in the drawings, particularly Figs. 1 and 2 which show the upper and lower edges 5 and 6 of the shell segments and Fig. 4 which shows the engaging sections 13 and 14 on washer segments 11 and 12.

Entry of the changes to the claims is respectfully requested.

Claims 1-9 are pending in this application.

Claims 1-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,838,987 to Draut.

Claims 1, 3, 7 and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,616,112 to Tseng.

For the reasons set forth below it is submitted that all of the claims are allowable over the prior art or record and therefore, each of the outstanding rejections of the claims should properly be withdrawn.

Favorable reconsideration by the Examiner is earnestly solicited.

The Examiner has relied upon Draut as disclosing:

> ...a locking device capable of vertical connection of an upper connection component 18, that comprises an upper engaging section, to a lower connection component 19, that comprises a lower engaging section, the connection component and the lower connection component being spaced apart by a substantially nonadjustable, fixed distance (upper and lower connection components 18, 19 are frictionally locked at a spaced apart, nonadjustable, fixed distance once shell segments 11, 12 and keys 21 are assembled in a locked position), the locking device comprising two shell segments 11, 12 each of which only partially extends around opposite vertical sides of the connection from the outside and in horizontal direction, with the shell segments comprising an upper and a lower edge adjacent to each of which an upper and a lower engaging section facing the connection is provided so that, should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging section provided at the upper connection component, while the lower engaging section of the shell segments holds the lower engaging section of the lower connection component (Figures 1-3).

Applicants' independent claim 1 presently requires that the shell segments include upper and lower edges at respective ends that are adjacent to the upper and lower engaging sections which face the upper and lower engaging sections of the upper and lower connection components. The edges of the shell segments engage the engaging sections as best shown in Fig. 1 in which the engaging sections (not numbered in Fig. 1) at the outer edge of the shell segments 11 and 12 are shown as being engaged by the upper and lower edges 5 and 6 of the shell segments 1.

Draut does not include upper and lower edges on the respective ends of the shell segments (construed to be elements 11 and 12 by the Examiner). Rather, Draut depicts split rings 22 and 23 which are contained in annular grooves "to provide relative axial movement between the shafts and coupling." (Column 1, lines 54-55)

Draut further requires keyway slots 16 and 17 which cooperate with keys 21 to "provide a rotational connection between the shafts and coupling." (Column 1, lines 47-48)

It is submitted that Draut's use and positioning of the split rings and keyways preclude Draut from providing upper and lower edges on the respective ends of the coupling half sections 11 and 12.

Moreover, any modification to include upper and lower edges on the respective ends of the coupling half sections 11 and 12 of Draut (to engage with upper and lower "connection components" 18, 19) would be improper since such a modification would necessarily eliminate both the split rings and keyways of Draut and the function provided by these elements.

As the Examiner has correctly noted in the office action, in Draut, the shafts 18 and 19 are held in a fixed position once:

> ...upper and lower connection components 18, 19 are frictionally locked at a spaced apart, nonadjustable, fixed distance once shell segments 11, 12 and keys 21 are assembled in a locked position.

Draut relies upon this type of arrangement which the Examiner refers to as being "frictionally locked" as opposed to applicants' invention which requires that the engaging or abutting cooperation between the upper and lower edges (at respective ends) of the shell segments and the upper and lower engaging sections of the upper and lower connection components.

The structural differences between the present invention and Draut are directly related or associated with the functional differences which the Examiner himself as noted above.

Moreover, it is noted that the present invention is directed to locking device that secures a structural assembly should the connection between the upper and lower connection components come apart.

That is, the present invention, as disclosed and claimed, is a type of auxiliary safety connection (referred to as a locking device) that is designed and configured to prevent an assembly from falling apart if the primary connection fails. In this regard, it is noted that the present locking device is disclosed as being designed to be (but not limited) retrofitted to existing ceiling mounted devices.

This feature of applicants' invention provides an understanding as to the differences between Draut (and Tseng) as the prior art relied upon by the Examiner is directed to what could be properly considered primary connection assemblies rather than locking devices or assemblies that are configured and designed to operate in the event of a failure of the prior art connection assemblies.

Accordingly, it is submitted that Draut cannot be relied upon as anticipating applicants' claimed invention as required under 35 U.S.C. §102(b).

Therefore, the outstanding rejection of the claims based upon the teachings of Draut should properly be withdrawn.

The Examiner as relied upon Tseng as disclosing:

> ...a locking device for vertical connection of an upper connection component 10, that comprises an upper engaging section, to a lower connection component 20, that

comprises a lower engaging section, the upper connection component and the lower connection component the locking device comprising two shell segments 30, 50 that being spaced apart by a substantially nonadjustable, fixed distance, the locking device comprising two shell segments 30, 50 each of which only partially extends around opposite vertical sides of the connection (shell segments 30, 50 each comprise bolt holes disposed around vertical sides of each shell segment, shell segments 30, 50 only partially extend around opposite vertical side of the connection within the plane passing through bolt holes) from the outside and in horizontal direction, with the shell segments comprising an upper and a lower edge adjacent to each of which an upper and a lower engaging section facing the connection is provided so that, should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging section provide at the upper connection component, while the lower engaging section of the shell segments holds the lower engaging section of the lower connection component (Figures 1 and 4).

Reference numerals 30 and 50 in Tseng (what the Examiner construes to be shell segments) are disclosed as being a base member and a frame, respectively. These elements only overlap in the vertical direction, so that they do not "only partially extends around opposite vertical sides of the connection from the outside and in a horizontal direction" as required by applicants' independent claim 1.

Moreover, it is noted that the base member 30 is secured to the frame member 50 by having the base member 30 overlap the frame member 50 and inserting threaded members (shown in Figs. 1 and 3-6) through holes provided in the peripheral wall of base member 30 and tightening the threaded member in receiving threaded holes provided in the peripheral wall of frame 50.

The base member 30 and frame 50 of Tseng do not include applicants' claimed upper and lower edges at respective ends of the shell sections and the upper and lower engaging sections of the upper and lower connection components.

Rather than provide and rely upon such engaging or abutting structural elements, Tseng merely uses threaded members to secure the base member 30 to the frame 50.

The Examiner has stated that Tseng is configured so that:

> should the connection of the two connection components come apart, the upper engaging section of the shell segments is supported against the upper engaging section provide at the upper connection component, while the lower engaging section of the shell segments holds the lower engaging section of the lower connection component (Figures 1 and 4).

This reference to Tseng is not understood. The Examiner has not identified the "upper engaging section" and the "lower engaging section" of the shell segments which would engage the upper and lower connection component.

Frame 50 (one of the Examiner's shell segments) does not appear to have any structure that would engage either the upper connection component 10 or the lower connection component 20 in Tseng (as the tubular body 10 and shaft 20 are construed by the Examiner).

Accordingly, Tseng does not anticipate applicants' invention.

Based upon the above distinctions between the prior art relied upon by the Examiner and the present invention, and the overall teachings of prior art, properly considered as a whole, it is respectfully submitted that the Examiner cannot rely upon the prior art as required under 35 U.S.C. §102 as anticipating applicants' claimed invention.

It is, therefore, submitted that any reliance upon prior art would be improper inasmuch as the prior art does not remotely anticipate, teach, suggest or render obvious the present invention.

It is submitted that the claims, as now amended, and the discussion contained herein clearly show that the claimed invention is novel and neither anticipated nor obvious over the teachings of the prior art and the outstanding rejection of the claims should hence be withdrawn.

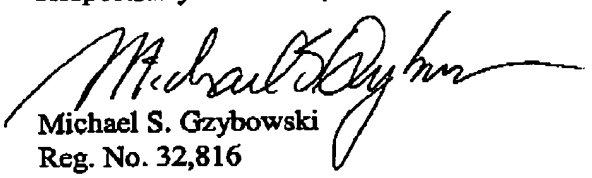
Therefore, reconsideration and withdrawal of the outstanding rejection of the claims and an early allowance of the claims is believed to be in order.

It is believed that the above represents a complete response to the Official Action and reconsideration is requested.

If upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicant's patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,



Michael S. Gzybowski
Reg. No. 32,816

BUTZEL LONG
350 South Main Street
Suite 300
Ann Arbor, Michigan 48104
(734) 995-3110

140174.1